

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILL MAX OVERTON,	:	NO. 1:11-CV-00591
	:	
Plaintiff,	:	
	:	
v.	:	OPINION AND ORDER
	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's May 11, 2012 Report and Recommendation (doc. 27), as well as Plaintiff's Objection styled as a "Motion to Strike" (doc. 29).

The Magistrate Judge reviewed the record in this matter and reported that Plaintiff should be subject to Rule 11 sanctions for repeated frivolous filings (doc. 27). Specifically, she recommended that Plaintiff be barred from filing further motions or papers in this case, absent certification by an attorney that such motions or papers are nonfrivolous (Id.).

Although the Magistrate Judge correctly reported that any appeal of an order of the court is not directed to the Chief Judge of the District, but rather to the Court of Appeals, in his Objection, Plaintiff repeats the contention that he has appealed to the Chief Judge. Of course under the Court's February 23, 2011 General Order of Reference this case was assigned to the undersigned as well as Magistrate Judge Litkovitz, and the Chief

Judge is not involved with this matter. The Court finds no basis to Plaintiff's objection, and concludes the Magistrate Judge's Report and Recommendation is well-reasoned, thoughtful, and correct.

Proper notice was provided to the Parties under Title 28 U.S.C. § 636(b)(1)(c), including the notice that they would waive further appeal if they failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 27), DENIES Plaintiff's Objections (doc. 29), and PROHIBITS Plaintiff from filing any further motions or papers in this case, unless such motions or papers are certified as non-frivolous by an attorney. The Court further DIRECTS the Clerk of Court not to accept any further motions or papers presented by Plaintiff in this action unless they are so certified. This Order does not apply to any notice of appeal to the Sixth Circuit Court of Appeals should Plaintiff wish to file to obtain review of this Order. This Order does not place any limitation on Plaintiff's ability to pursue litigation in the United States District Courts or in the courts of any state except in this particular action. Nor does this Order prohibit Plaintiff from filing any new lawsuits that have a legitimate basis and comply with Fed. R. Civ. P. 11(b) after payment of the appropriate

filing fee.

SO ORDERED.

Dated: June 5, 2012

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge